

Minutes of the Lobbying Advisory Task Force meeting
March 11, 2015
Senate Lounge

The meeting was called to order by Secretary of State Nellie Gorbea at 10:05 a.m. The following Task Force members were present:

1. Nellie Gorbea, RI Secretary of State
2. Al Dahlberg, Brown University
3. Wally Gernt, President, RI Lobbyists Association, The Bradford Group
4. Maureen Martin, RI Federation of Teachers
5. Carolyn Murray, F/S Capitol Consulting
6. Greg Mancini, Build RI
7. Amy Goins, Common Cause RI
8. Hilary Davis, ACLU
9. Paola Fernandez, United Way of RI
10. Jason Gramitt, RI Ethics Commission

Also present: Robert Corrente, Legal Counsel to the Secretary of State and Kristen Silvia, Deputy Chief of Staff, Director of Legislation to the Senate President.

Discussion

Secretary Gorbea began the meeting by asking task force members to provide their thoughts on the initial meeting, as well as on issues of importance to them in lobbying reform. There was discussion regarding the importance of ensuring transparency while avoiding burdensome reporting requirements. Members discussed the importance of clarity in the new statute, so that persons know who is considered a lobbyist and what activities are defined as lobbying. Clarity, simple registration, and compliance will enable the system to succeed.

First topic discussed was the importance of having a clear statute and a clear understanding of what instances of lobbying we are looking to address. The task force discussed how improvements in technology will increase the public's ability to better access information on lobbying, as well as the lobbyists being able to easily comply with the reporting process.

Secretary Gorbea presented other states' definitions of "lobbyist" and "lobbying" from several states. There was discussion about states using the level of compensation, time spent lobbying and/or communication and representation as various triggers in their lobbying definitions.

Discussion continued on the definition of "lobbying". For instance, if the definition includes lobbying on behalf of oneself, as an individual or business owner, it would trigger the need for almost everyone to register as a lobbyist. There was consensus on using compensation as a trigger for "lobbying", thus requiring registration of a lobbyist.

Task force members discussed the importance of having a clear threshold of what constitutes lobbying. This could include a combination of compensation and/or time spent lobbying. A clear threshold for registration will assist in establishing bright lines for compliance and enforcement.

The second major discussion was around strengthening the law's enforcement. Discussion referenced the need to enhance enforcement without overwhelming the office with the adjudication of cases. There was discussion about structuring the penalty scheme and the importance of having appropriate fines for violations committed. It was mentioned that it is important to have a written notice and hearing prior to any type of suspension.

Discussion also focused on the need for the Secretary to have subpoena power in order to effectively and appropriately investigate alleged violations of the lobbying statute. A question was raised as to what information would be subpoenaed and whether it would be limited to lobbying related activity. The draft should address these concerns.

Additionally, the proposed statute could reference the Administrative Procedures Act (APA) and provide for a hearing process (similar to other state agencies). There was discussion about whether the Secretary of State's office has the capacity to undertake hearings. It was mentioned that the Office of Management and Budget (OMB) is looking at a streamlined method of holding hearings.

The final part of the discussion centered on transparency. One matter discussed was whether the proposed statute should require reporting of actual bill numbers and positions taken on bills. There was concern around the administrative burden of complying as well as what bills to report. It was noted that this would enhance transparency: the public could follow which bills certain lobbyists are following, versus seeing only a listing of subject matters (as is presently the option).

Discussion also focused on the possibility of linking legislative hearing sign-up sheets with the lobbying reporting system. This might be a good way to provide more transparency as to lobbying activity.

There also was discussion of badges – whether they are necessary in any instance, whether a separate badge is needed for each client, or whether one badge will suffice, regardless of the number of clients.

Motions

A motion to approve the minutes of the March 5, 2015 meeting was made by Wally Gernt and seconded by Greg Mancini. There was discussion of a few typographical changes that needed to be made. The minutes were unanimously approved with changes due to typographical errors.

Secretary Gorbea adjourned the meeting at 11:31 a.m.